

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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FLORENCE ELIZABETH MASON, et al.,

Plaintiff,

v.

THE CITY OF PHILADELPHIA, et al.,

Defendants.

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CIVIL ACTION

No. 13-5163

**ORDER**

**AND NOW**, this 22nd day of September, 2014, upon consideration of Defendants, City of Philadelphia (the “City”), Police Commissioner Charles Ramsey (“Commissioner Ramsey”), the City of Philadelphia Police Department (the “PPD”), and PPD Officers Fleming, Fredricsdorf, Kopecki (“Lt. Kopecki”), Whaley (“Lt. Whaley”), Tees (“Lt. Tees”), Hummel, Lamdherr, Medycki, Riddick, Long, Kensy and Lackey’s (collectively, the “Moving Defendants”), Motion to Dismiss the Complaint of Florence Elizabeth Mason (“Plaintiff”), in her own right and on behalf of, Vincent T. Mason, Jr., and Crystal Mason<sup>1</sup> (Doc. No. 17), and Plaintiff’s Response, it is hereby **ORDERED** that said Motion is **GRANTED** in part and

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<sup>1</sup>Vincent Mason Jr. (“Vincent Jr.”) and Crystal Mason (“Crystal”) are Florence Mason’s children who were apparently minors at the time of the incidents at issue. In a previous Memorandum Opinion, we dismissed Vincent Jr. and Crystal as Plaintiffs in this action. (See Doc. No. 55.)

**DENIED** in part as follows:

- (1) all claims against Defendants, Miston, Diguisse, Larks, Sath, and Meril, are dismissed;
- (2) all claims, including both 42 U.S.C. § 1983 (“§ 1983”) and state law claims, against Commissioner Ramsey, and PPD Officers Fleming, Fredricsdorf, Lamdherr, Medycki, Riddick, Long, Kensy, and Lackey, are dismissed;
- (3) all claims, including both § 1983 and state law claims, against Lt. Kopecki are dismissed;
- (4) all claims, including both § 1983 and state law claims, against Officer Hummel are dismissed;
- (5) all claims, including Plaintiff’s § 1983 claim against Lt. Tees for supervisory liability, are dismissed;
- (6) Moving Defendants’ Motion to Dismiss Plaintiff’s § 1983 claims against Lt. Whaley is denied;
- (7) Moving Defendants’ Motion to Dismiss the state law claims of false arrest, false imprisonment, malicious prosecution, assault and battery, and loss of consortium against Lt. Whaley is granted;
- (8) Moving Defendants’ Motion to Dismiss the state law claim of intentional infliction of emotional distress against Lt. Whaley is denied;
- (9) All claims, including Plaintiff’s § 1983 claim, against the PPD are denied; and

(10) All claims, including Plaintiff's § 1983 claim, against the City are denied.

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE